

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBY FREEMAN and
WANDREA' MOSS,

Plaintiffs,

-against-

RUDOLPH W. GIULIANI,

Defendant,

-and-

ANDREW H. GIULIANI,

Intervenor-
Defendant
Applicant.

No. 24-MC-353-LJL

**INTERVENOR-DEFENDANT
ANDREW H. GIULIANI'S
PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Intervenor-Defendant Andrew H. Giuliani ("Andrew Giuliani") submits these proposed findings of fact and conclusions of law.

FINDINGS OF FACT

1. Prior to entry of the final judgment (the "Judgment") against Rudolph W. Giuliani ("Mayor Giuliani") in the matter of *Freeman v. Giuliani*, Civ. No. 21-3354 (D.D.C. Dec. 18, 2023), on or before May 26, 2018, Mayor Giuliani gifted to his son, Andrew Giuliani, four New York Yankees World Series rings—one for each of the Yankees' titles in 1996, 1998, 1999, and 2000, and each engraved with the name "Giuliani" (the "WS Rings")—which had been purchased by Mayor Giuliani after he had finished his second term as New York City Mayor in or around 2002.

(*E.g.*, Dep. of Andrew H. Giuliani 34:3-36:6 (Dec. 19, 2024) (“AHG Dep.”); Decl. of Sean Kalin (Dec. 15, 2024) (“Kalin Decl.”), Ex. R-ITX-5.)

2. Mayor Giuliani celebrated his 74th birthday at his New York City residence on Friday, May 25, 2018, with friends and family members. At the time, Andrew Giuliani was working and living in Washington, DC, but Mayor Giuliani asked him to fly up to New York for the birthday gathering, saying he had something important he wanted to give him. (*E.g.*, AHG Dep. 34:3-36:6; Flight Receipt (May 25, 2018), Ex. R-ITX-1.)

3. Andrew Giuliani arrived at the party late on May 25, 2018. After midnight and the departure of most of the guests, Mayor Giuliani asked Andrew Giuliani and his wife to come to the master bedroom. There Mayor Giuliani gifted the WS Rings to Andrew Giuliani. Mayor Giuliani, Andrew Giuliani, and his wife then posed for a photograph to commemorate the gift. (*E.g.*, AHG Dep. 34:3-36:6; Photographs (May 26, 2018, 12:23 AM ET), Exs. R-ITX-2A, R-ITX-2B.)

4. For most of the time from May 26, 2018, through in or around 2023, Andrew Giuliani entrusted three of the WS Rings to his father for safekeeping. (*E.g.*, Dep. of Rudolph W. Giuliani 290:11-23 (Dec. 27, 2024); AHG Dep. 60:23-61:17.)

5. While Mayor Giuliani’s and Andrew Giuliani’s recollections of the WS Rings’ locations over the course of the rings’ 20-year history are imperfect and at times inconsistent, the commonality of their memories is that the three WS Rings at issue here were gifted from father to son at the event memorialized in the photograph of May 26, 2018. (*E.g.*, AHG Dep. 60:23-61:17, 63:24-64:4; Kalin Decl., Ex. R-ITX-5; Text Message (Jan. 26, 2024, 9:53 PM ET), R-ITX-4A; Text Message (Jan. 27, 2024, 9:03 AM ET), Ex. R-ITX-4B; Sec. 341 Meeting Test. of Rudolph

W. Giuliani 150:1-24, *In re Giuliani*, No. 23-12055 (Bankr. S.D.N.Y. Feb. 7, 2024), Ex. R-PTX-28.)

CONCLUSIONS OF LAW

6. On or before May 26, 2018, Mayor Giuliani completed a voluntary, irrevocable transfer of the WS Rings to Andrew Giuliani without consideration, thereby making a bona fide, inter-vivos gift under New York law. *E.g.*, *Gruen v. Gruen*, 68 N.Y.2d 48, 53 (1986). The elements of such a gift—intent, delivery (actual or constructive), and acceptance—were satisfied at that time. *Id.*

7. Andrew Giuliani maintained constructive possession and control of the WS Rings since receiving them as a gift. That he left one or more of the remaining WS Rings with his father “for safe-keeping only, did not cut down the gift, nor change it in any respect,” as his father held them “simply as custodian for [his son’s] benefit.” *Gannon v. McGuire*, 160 N.Y. 476, 482 (1899); *accord Rudolf Nureyev Dance Found. v. Noureeva-Francois*, 7 F. Supp. 2d 402, 415 (S.D.N.Y. 1998) (providing that “[a] donor may transfer ownership of a gift . . . and still retain actual possession of the property . . . so long as the intention is to vest the donee then and there with dominion and control over the property and to divest the donor of dominion over it”); *Newell v. Nat’l Bank of Norwich*, 212 N.Y.S. 158, 160 (N.Y. App. Div. 1925).

8. Andrew Giuliani has superior right, title, and interest in the WS Rings as a bona fide owner who received the WS Rings as a gift prior to the entry of the Judgment.

Dated: New York, NY
January 7, 2025

LOWENSTEIN SANDLER LLP

By: /s/ Scott B. McBride
Scott B. McBride
1251 Avenue of the Americas
New York, NY 10020
Tel. 212-262-6700
smcbride@lowenstein.com

*Counsel for Intervenor-Defendant
Andrew H. Giuliani*